(43)

HIGH COURT OF CHHATTISGARH, BILASPUR
W.P.(S) No. 4859/2007

Petitioner		Ramkumar Ram, s/o Shri Janki Ram aged about 59 years, R/o Ramanujganj, Post Ramanujganj, District-Surguja(CG)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through: Secretary, Revenue Department, DKS Bhawan, Raipur, District Raipur (CG)
	2.	Collector, District-Surguja, District Surguja (CG)
	3.	Commissioner, Bhu-Abhilekh. Chhattisgarh, Raipur, District-Raipur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri N.K.Mehta, counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State on advance copy.

ORAL ORDER
(21.8.2007)

Sunil Kumar Sinha, J.

Heard finally with the consent of both the parties.

The petitioner, who is working on the post of Assistant Grade-II in the office of S.D.O. Ramanujganj has been transferred from Ramanujganj to Janpad Panchayat, Surajpur by order dated 22.7.2007 (Annexure P-4) on administrative grounds.

Referring to the documents Annexure P-1 as also Annexures P-8 & P-9, learned counsel for the petitioner submits that date of birth of the petitioner is 2.7.1948, according to which, the petitioner is going to retire on 31.7.2008. His contention is that according to clause 7 of the transfer policy dated 13th June, 2007, if a person is to retire within a period of 1 year, his case shall be

(44)

governed by the said clause of the policy. He submits that though few days are exceeding from 1 year, looking to the pith and substance of the transfer policy, benefit should be extended to the petitioner. He refers to clause 7 of the transfer policy, which reads as under :

"7 जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो ।"

Having heard learned counsel for the petitioner, having gone through the contents of writ petition and the contents of clause 7 of the transfer policy, in the opinion of this Court, the ends of justice would be served if the petitioner is directed to file a representation before the concerned authority, invoking provisions of clause 7 of the policy, though few days are exceeding, and the said authority is directed to dispose of the same within the stipulated period granted by this Court.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period 3 weeks from today along with a copy of this order and a copy of writ petition, raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of receipt of the said representation.

If is further directed that in the meanwhile, the petitioner shall not be relieved from the present place of posting and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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